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*Attorneys for Plaintiff Talcott Resolution Life and
Annuity Company*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

TALCOTT RESOLUTION LIFE AND
ANNUITY COMPANY,

Plaintiff,

vs.

ESTATE OF JILL COTE, JESSICA
SHEARER, JOIANNE MADRID AND
DAVID COTE,

Defendants.

JESSICA SHEARER

Cross-Claimant

v.

DAVID COTE

Cross-Defendant.

Case No.: 2:18-CV-01688-GMN-VCF

**STIPULATION OF DISMISSAL AND
ORDER**

1 DAVID COTE

2 Cross-Claimant

3 v.

4 JESSICA SHEARER, individually, and as co-
5 administrator of the Estate of Jill Cote;
6 JOIANNE MADRID, individually, and as co-
7 administrator of the Estate of Jill Cote; the
8 DAVID BINDRUP LAW FIRM, PLLC, a
9 Nevada professional limited liability company;
10 MATTHEW L. JOHNSON & ASSOCIATES,
11 P.C., A Nevada professional corporation;
12 DOES I through X, inclusive; and ROES I
13 through X, inclusive.

14 Cross-Defendants.

15 Counsel for Plaintiff Talcott Resolution Life and Annuity Company (f/k/a Hartford Life
16 and Annuity Company) (“Plaintiff” or “Talcott”) and Cross-Claimant, JESSICA SHEARER;
17 Cross-Defendant, DAVID COTE; Cross-Claimant, DAVID COTE; and Cross-Defendants,
18 JESSICA SHEARER, individually and as co-administrator of the Estate of Jill Cote, JOIANNE
19 MADRID, individually and as co-administrator of the Estate of Jill Cote, the DAVID BINDRUP
20 LAW FIRM, PLLC, a Nevada professional limited liability company, and MATTHEW L.
21 JOHNSON & ASSOCIATES, P.C., A Nevada professional corporation, (collectively, the
22 “Parties”), by and through their respective counsel, HEREBY STIPULATE AND AGREE as
23 follows:

24 1. The Parties have resolved all disputes, claims/crossclaims/counterclaims relating to
25 the above captioned lawsuit;

26 2. The Parties agree Talcott shall withhold \$15,000 from the annuity contracts, ending
27 in numbers 4162 and 4167 (the “Annuity Contracts”), (approximately currently valued at
28 \$163,000) for reimbursement and full satisfaction of its attorney’s fees and costs. The remaining

1 balance of the Annuity Contracts shall be remitted directly to David A. Cote in a check made
2 payable as follows:

3 David A. Cote
4 Bene IRA of Jill L. Cote
5 IRA TD Ameritrade Clearing Custodian

6 3. The Parties and their agents hereby agree to dismiss, with prejudice, this lawsuit,
7 including: any and all rights, claims, and causes of action between the Parties and their agents,
8 whether known or unknown, that have been brought or could have been brought arising out of or in
9 any way related to the Hartford/Talcott Annuity Contracts, any contested matter in the matter of
10 the Estate of Jill Cote, Case No. P-17-092970-E, in the Eighth Judicial District Court of Nevada,
11 and all cross-claims in the above-referenced case, between, among, and/or against the Parties, their
12 officers, directors, attorneys, heirs, representatives, executors, successors, assigns, agents,
13 employees, and other related parties;

14 4. All Parties agree that they and their agents shall be hereby restrained from initiating
15 any other action against Talcott Resolution for recovery of the proceeds of the Annuity Contracts
16 or any part thereof;

17 5. All other pending motions, petitions, or hearing dates concerning the claims
18 between the Parties in this lawsuit are withdrawn and shall be otherwise vacated from the Court's
19 calendar; and

20 6. Unless otherwise set forth above in paragraph 2, the Parties shall bear their own
21 attorney fees and costs.

22 IT IS SO STIPULATED
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Dated this 11th day of September, 2019

<p><u>/s/ Kristina N. Holmstrom</u> Kristina N. Holmstrom, SBN 10086 kristina.holmstrom@ogletree.com OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C. 3800 Howard Hughes Parkway Suite 1500 Las Vegas, NV 89169 Telephone: 702.369.6800 Fax: 702.369.6888</p> <p><i>Attorneys for Plaintiff Talcott Resolution Life and Annuity Company</i></p>	<p><u>/s/ Russell G. Gubler</u> Matthew L. Johnson (6004) Russell G. Gubler (10889) Ashveen S. Dhillon (14189) Lakes Business Park 8831 West Sahara Avenue Las Vegas, Nevada 89117 702-471-0065</p> <p><i>Attorneys for the Estate of Jill Cote; Jessica Shearer and Joianne Madrid, individually and as co-administrators of the Estate of Jill Cote; and Matthew L Johnson & Associates, P.C.</i></p>
	<p><u>/s/ Zachary D. Holyoak</u> Anthony L. Barney (8366) Tiffany S. Barney (9754) Zachary D. Holyoak (14217) 3317 W. Charleston Blvd, Ste. B Las Vegas, NV 89102-1835 702-438-7878</p> <p><i>Attorneys for David Cote</i></p>
	<p><u>/s/ Katie Bindrup</u> Katie Bindrup (12181) 10424 S. Eastern Ave. #101 Henderson, NV 89052 T: (702) 465-0888 F: (702) 465-0650 katie@davidbindrup.com</p> <p><i>Attorneys for David Bindrup Law Firm, PLLC</i></p>

ORDER

IT IS HEREBY ORDERED that the stipulations and agreements made by the parties herein are GRANTED.

IT IS FURTHER ORDERED Talcott shall withhold \$15,000 from the annuity contracts, ending in numbers 4162 and 4167 (the "Annuity Contracts"), (approximately currently valued at \$163,000) for reimbursement and full satisfaction of its attorney's fees and costs. The remaining balance of the Annuity Contracts shall be remitted directly to David A. Cote in a check made payable as follows:

David A. Cote
Bene IRA of Jill L. Cote
IRA TD Ameritrade Clearing Custodian

IT IS FURTHER ORDERED that any and all rights, claims, and causes of action, whether known or unknown, that have been brought or could have been brought arising out of or in any way related to the Annuity Contracts and all cross-claims in the above-referenced case, between, among, and/or against the Parties, their officers, directors, attorneys, heirs, representatives, executors, successors, assigns, agents, employees, and other related parties, are DISMISSED WITH PREJUDICE;

IT IS FURTHER ORDERED that all parties to this lawsuit and their agents are hereby restrained from initiating any other action against Talcott Resolution for recovery of the proceeds of the Annuity Contracts or any part thereof;

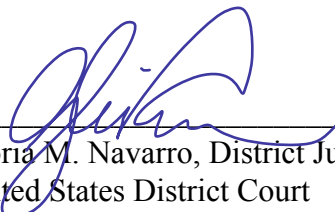
IT IS FURTHER ORDERED that all other pending motions, petitions, or hearing dates concerning the claims between the Parties in this lawsuit are hereby VACATED from the Court's calendar; and

IT IS FURTHER ORDERED that unless otherwise set forth above of this ORDER, the Parties shall bear their own attorney fees and costs.

1 IT IS FURTHER ORDERED that in light of the above, the Stipulation of Dismissal,
2 (ECF No. 63), is DENIED as moot.

3 The Clerk of Court is directed to close the case.

4 DATED this 11 day of September, 2019.

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8 Gloria M. Navarro, District Judge
United States District Court

9 Submitted By:

10 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

11 /s/ Kristina N. Holmstrom

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